CAP. CIV.

An Act to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes. [29th *July* 1856.]

'WHEREAS it is expedient to afford increased Facilities for the Subdivision of populous 'Districts, and for the Formation thereout of separate and distinct Parishes for all 'Ecclesiastical Purposes, and also to make better Provision for the Endowment and 'Augmentation of poor Livings in *England* and *Wales*: And whereas by an Act passed in 'the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and by another Act 'passed in the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, the Eccle- 'siastical Commissioners for *England* are empowered, in the Case of Parishes, Chapelries, 'and Districts of great Extent and containing a large Population, to constitute any Part or 'Parts thereof a separate District for Spiritual Purposes, such District not at the Time of 'so constituting the same containing within its Limits any consecrated Church or Chapel, 'and it is expedient that the Provisions of the said Act relative thereto, and to the Matter 'and Things consequent thereon, should be extended and amended in manner following:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That

6 & 7 Vict. c. 37.
7 & 8 Vict. c. 94.

Power to constitute new Districts under recited Acts.

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church within the District as the Parish Church of such District, and immediately upon the issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church, when consecrated, the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish.

District may be constituted as required by Sect. 9 of 6 & 7 Vict. c. 37.

III. It shall be lawful to recommend the Constitution of such District without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent.

Section 22 of 6 & 7 Vict. c. 37. to apply to Ecclesiastical and Collegiate Corporations.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.

V. Every Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall have claimed and have had assigned to him Sittings in the Church of such new Parish, shall thereby surrender, as to any Right that he may have possessed, an equal Number

Number of Sittings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Sittings be held by Faculty or under an Act of Parliament.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and providing Endowment.

VI. It shall be lawful for the Commissioners, if it shall appear to them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church to or for which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds not otherwise appropriated by Law shall be applied towards the Repair and Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses: Provided always, that One Half Part at least of the whole Number of Pews or Sittings in such Church shall be Free Sittings, and that it shall be shown to the Satisfaction of the said Commissioners that the said Free Sittings will, with respect to Position and Convenience, be as advantageously situated as those for which a Rent may be fixed and reserved.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church, if the same shall not be appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scale, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Scale of Pew Rents may be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take effect until the next Avoidance of the Benefice, unless with his Consent in Writing.

Clerk and Sexton to be appointed by Incumbent.

IX. The Parish Clerk and Sexton of the Church of any Parish constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Freeholds of Titles of Churches and Burial Grounds to vest in Incumbents.

X. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, but in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church, and upon which any Church shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

XI. From

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.

XI. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent of any Church or Chapel to which a District shall belong, with the Consent in Writing of the Bishop of the Diocese, make an Order under their Common Seal, authorizing the Publication of Banns of Matrimony and the Solemnization therein of Marriages, Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm; and all the Fees payable for the Performance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of such District.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

XII. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, or of such Fees as are hereby made payable to the Incumbent of any District, shall have been reserved, or if such last-mentioned Order had not been made would of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Three Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed; and from and after the next Avoidance of such Incumbency, or the Relinquishment of such Fees by such Incumbent, and after the Situation of such Clerk shall have become vacant, or after a Compensation in lieu of Fees has been awarded to such Clerk by the Bishop of the Diocese, which he is hereby empowered to do, such Reservation shall altogether cease and determine; and all such Fees and Dues shall belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

Provisions of 19th Section of 3 & 7 Vict. c. 37. extended.

XIII. The Provisions contained in the Nineteenth Section of the Sixth and Seventh *Victoria*, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

Districts may become separate and distinct Parishes.

XIV. Wheresoever or as soon as Banns of Matrimony and the Solemnization of Marriages, Churchings, and Baptisms according to the Laws and Canons in force in this Realm are authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, such District not being at the Time of the passing of this Act a separate and distinct Parish for Ecclesiastical Purposes, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such District or Place shall become and be a separate and distinct Parish for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, shall extend and apply to the said Parish and Church as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

Incumbents of new Parishes to have exclusive Cure of Souls therein.

XV. The Incumbent of every new Parish created or hereafter to be created pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall, saving the Rights of the Bishop of the Diocese, have sole and exclusive Cure of Souls and the exclusive Right of performing all Ecclesiastical Offices within the Limits of the same, for the resident Inhabitants therein, who shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish, and to no other Liabilities: Provided always, that nothing herein contained shall be taken to affect the legal Liabilities of any Parish regulated by a Local Act of Parliament, or the Security for any Loan of Money legally borrowed under any Act of Parliament or otherwise.

XVI. The

Provisions contained in Section 20 of 6 & 7 Vict. c. 37. extended.

XVI. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Incumbent nor Patron, or of any Benefice the Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of *Lancaster*, or in the Duke of *Cornwall*, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds *per Annum*, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds *per Annum*, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of *Victoria*, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years last preceding.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations.

XVII It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any less Consideration than the building a Church, as and for the Church of such Parish, District, or Benefice, and providing for the permanent Endowment of such Church a clear yearly Sum of at least Forty-five Pounds, or the permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of One hundred and fifty Pounds: Provided always, that the Commissioners may, in lieu of such Sums, or as Part thereof, accept any Gift, Benefaction, or Property which they shall judge to be suitable in its Nature; but provided always, that such Gift, Benefaction, or Property shall, in the Judgment of the Commissioners, be equivalent to the said Sums in each Case respectively, or to the Part thereof in lieu of which it shall have been accepted.

Assignment of Patronage to be made with certain Consents.

XVIII. Such Assignment shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of *Lancaster* for the Time being, or of the Duke of *Cornwall*, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, with the Consent of the Patron thereof; and in the Case of a Benefice in the Patronage of an Incumbent of any other Benefice, with Consent of the Bishop of the Diocese, and also with Consent of the Patron of such other Benefice, if in private Patronage, and in the Case of any Parish or District having neither Incumbent nor Patron, with the Consent of the Bishop of the Diocese; and such Consent shall be testified in manner provided by the One hundred and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second *Victoria*, Chapter One hundred and six.

Notices to be sent to Patrons.

XIX. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly-recited Act.

Who to be deemed Patrons.

XX. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Patronage not to be sold, Penalty of Lapse for so doing.

XXI. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is herein-before mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an

Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until Thirty Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for that Turn lapse to the Bishop: Provided also, that when the Patronage of any Church or Chapel to which a District shall have been assigned is vested in the Incumbent of the original Parish, District, or Place out of which such District has been taken, the Person holding the Incumbency of such original Parish, District, or Place at the Time of the passing this Act shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same during his Incumbency without his Consent.

Patronage may be vested in certain Cases in Incumbent of original Parish.

XXII. Upon the Constitution of a new Parish under this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the then Incumbent of the original Parish out of which such new Parish shall have been taken for the Term of his Incumbency, and if such Parish shall have been formed out of more than One Parish, then to one or other of the then Incumbents of such Parishes for the Term of his Incumbency as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding.

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

XXIII. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, to the Satisfaction of the Commissioners, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain or any other Law or Statute whatsoever.

Appointment of Trustees, &c.

XXIV. Where the Commissioners shall make any Assignment of Patronage in perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more Bodies or Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church of *England* and *Ireland*; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of Two Years from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required; and every such Appointment, whether made in pursuance of the said Deed of Assignment or by the Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up.

XXV. It

Parishes may be divided, with certain Consents.

XXV. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or in the Chancellor of the Duchy of *Lancaster* for the Time being, or of the Duke of *Cornwall*, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, or of a Benefice in private Patronage, with the Consent of the Patrons thereof respectively, with the Consent of the Bishop of the Diocese, such Consents to be testified as aforesaid: And provided also, that no such Provision shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXVI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, it shall be lawful, by the Authority aforesaid, and with the Consent of each of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything herein-before contained to the contrary notwithstanding.

As to providing Houses of Residence for Spiritual Persons serving any Church or Chapel.

XXVII. For the Purpose of providing for the Incumbent of any Church or Chapel a convenient House of Residence, or for a Site thereof, or for a Garden or Glebe thereto, it shall be lawful for any Body or Person who shall give, grant, or convey to the Ecclesiastical Commissioners for *England* any Messuage, Lands, Tenements, or Hereditaments, to give or grant the same, and for the said Commissioners to receive the same, subject to such Conditions and Stipulations, for the Purpose of more effectually securing the same to and for the Use of such Spiritual Person aforesaid and his Successors for ever, as may be agreed upon between the said Commissioners and the Body or Person so giving or conveying the same.

Churchwardens to be paid Compensation

XXVIII. 'Whereas it is enacted by the Thirty-eighth Section of the Fifty-eighth *George* 'the Third, Chapter Forty-five, that a Sum for Compensation of Rights of Common shall be 'paid

for Rights of Common.

'paid to the Churchwardens of the respective Parishes wherein such Commons or Waste 'Lands shall lie, and Doubts have arisen whether it is compulsory or permissive, on the Part 'of the Churchwardens, to receive the same:' It is hereby declared, That it shall be compulsory for the Churchwardens to accept Payment of the said Compensation.

Nothing to affect Provisions of 13 & 14 Vict. c. 41., &c.

XXIX. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of *Manchester* Division Act, 1850, or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein otherwise provided.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39 extended to this Act.

XXX. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for *England* by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and the said recited Acts and this Act shall be read and construed as one and the same Act.

Commissioners may apportion Endowment.

XXXI. It shall be lawful for the Commissioners, with the Consent of the Bishop of the Diocese and of the Patron and Incumbent of the Church of any Parish, to apportion any Sum arising from a permanent Endowment belonging to such Church, and applicable to the Repair and Maintenance thereof, to the Repair or Maintenance of any Church or Churches situated within the original Limits of such Parish, anything contained in any Local Act to the contrary notwithstanding.

For Purposes of Burial, Parishes to be Ecclesiastical Districts.

XXXII. For the Purposes of the Acts concerning or regulating the Burial of the Dead, every Parish created under the said recited Acts or this Act shall be held to be an Ecclesiastical District within the Meaning of the said Acts.

Interpretation of certain Terms.

XXXIII. In the Construction of this Act:

The Expression "Parish, District, or Place," shall mean and include any ancient or distinct and separate Parish, District, Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial:

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for *England*:

The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description:

The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments:

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person:

The Word "Bishop" shall include Archbishop.

Extent of Act.

XXXIV. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and to the *Scilly Islands*.

Short Titles of Acts.

XXXV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require.